

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

GLORIA BURKHAM ANAYA, as Personal
Representative of the Estate of THOMAS
WAYNE BURKHAM, Deceased,

Plaintiff,

vs.

Civ. No. 98-380 BRB/WWD

OFFICER RUBEN MONTEZ, Individually
and in [his] official capacity as a police
officer with the VILLAGE OF LOVINGTON
POLICE DEPARTMENT, and VILLAGE OF
LOVING,

Defendants.

REPORT AND RECOMMENDATION

This matter comes before the Court *sua sponte*. On June 11, 1998, Defendants filed a Motion to Dismiss Complaint. When no response was filed to the motion, an Order was entered directing Plaintiff to file a response on or before July 16, 1998. The Order indicated that failure to file the response would result in dismissal of Plaintiff's complaint pursuant to D.N.M. LR-Civ. 7.5(b). As of July 24, 1998, Plaintiff has filed no response to Defendants' motion to dismiss.

RECOMMENDATION

I recommend that this matter be dismissed with prejudice.


UNITED STATES MAGISTRATE JUDGE